



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 06 2010

REPLY TO THE ATTENTION OF: WC-15J

CERTIFIED MAIL 7014 2870 0001 9580 7931
RETURN RECEIPT REQUESTED

Richard G. Simms, P.E.
Kankakee River Metropolitan Agency
1600 West Brookmont Blvd.
Kankakee, IL 60901

Subject: Kankakee River Metropolitan Agency, NPDES Permit No. IL0021784
Request for Information Pursuant to 33 U.S.C. § 1318
Docket No: V-W-18-308-02

Dear Mr. Simms:

As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. As you know, the Illinois Environmental Protection Agency (IEPA) issued permit number IL0021784 to the Kankakee River Metropolitan Agency (KRMA or "Permittee"). The permit requires KRMA to implement and enforce its approved Pretreatment Program and all subsequent modifications thereto. This request seeks information pertaining to the Pretreatment Program and KRMA's actions thereunder.

EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purpose of the Act. Accordingly, pursuant to Section 308 of the CWA, you are directed to provide EPA with the information requested in the enclosure.

Please submit the information requested in the accompanying documents with the statement in the enclosed Information Request certifying that all representations contained therein are true and accurate to the best of your knowledge and belief using the certification language provided. Please exercise care to ensure that responses are complete and accurate as there can be significant penalties when false information is knowingly provided to EPA.

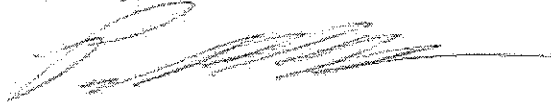
Thank you for your cooperation in this matter. Should you have any questions, please contact Jillian Rountree, Associate Regional Counsel, at rountree.jillian@epa.gov, or Jack Bajor at bajor.john@epa.gov.

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Please send your written responses to the address specified in the enclosed documents, within thirty (30) days of receipt of this letter.

Sincerely,



Patrick F. Kuefler
Branch Chief,
Water Enforcement and Compliance Assurance Branch
Water Division

Enclosures

cc: Mr. Roger Callaway

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	PROCEEDING UNDER SECTION
)	308(a) OF THE CLEAN WATER ACT
KANKAKEE RIVER)	33 U.S.C. § 1318(a)
METROPOLITAN AGENCY)	
)	
RESPONDENT.)	DOCKET NO.: V-W-18-308-02

The U.S. Environmental Protection Agency (EPA) requests information from the Kankakee River Metropolitan Agency (KRMA, Respondent, or "you") pursuant to the authority vested in the EPA Administrator by Section 308(a) of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), and duly re-delegated to the undersigned Director of the EPA, Region 5 Water Division.

The information requested herein must be provided notwithstanding the possibility that the information requested may be characterized as confidential business information or trade secrets. However, you may request that all or part of the information you submit be considered confidential by EPA by the method prescribed at 40 C.F.R. § 2.203(b). See also 40 C.F.R. § 403.14(a). Should you make such a request, any information (other than public information) that the Administrator of EPA determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential or trade secret. Please note that certain information may not be claimed as confidential when submitted under Section 308 of the Clean Water Act, 40 C.F.R. § 2.302; see also 40 C.F.R. § 403.14(b), (c). A request for confidential treatment must be made when information or access to records is provided, and any information not so identified may be made available to the public by EPA. 40 C.F.R. § 2.203; see also 40 C.F.R. § 403.14.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*

EPA has the authority to use the requested information and records in an administrative, civil, or criminal action. There are significant civil and criminal penalties for failing to respond to requests issued pursuant to Section 308(a) in a timely, complete, and accurate manner. See 33 U.S.C. § 1319 (for description of violations) and 40 C.F.R. Part 19 (for penalty inflation adjustments).

Your response to these requests must be signed by an official or authorized agent who shall provide the following certification:

I certify under penalty of perjury that these responses to the U.S. Environmental Protection Agency's requests for information were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather

and evaluate the information contained in these responses. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering this information, the information contained in these responses is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant civil and criminal penalties for submitting false or incomplete information, including the possibility of fine and imprisonment for knowing violations.

All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order shall be submitted to the following people and, to the extent possible, by electronic mail in final and searchable format (e.g. pdf OCR-readable), unless otherwise specified herein, or, if not possible, by certified mail (return receipt requested). All electronic submittals must include the certification statement as stated above. The subject of the electronic mail correspondence must include the facility name, the NPDES Permit ID, the name of the deliverable, and the assigned Docket Number (V-W-18-XX).

Please submit all information pursuant to this request within **30 calendar days** to:

John "Jack" J. Bajor, Jr., Enforcement Officer
Water Enforcement Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Tel. (312) 353-4633
Bajor.john@epa.gov
And
R5weca@epa.gov

Jillian Rountree, Associate Legal Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Tel/ (312) 353-3849
Rountree.jillian@epa.gov

with a copy to:

Mr. Roger Callaway
Compliance Assurance Manager
Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control, Compliance Section #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9274

Electronic submission (e.g., on a CD-ROM) of information is acceptable provided the information is accessible by using a program such as Adobe Acrobat Reader or a program in the Microsoft Office suite.

DEFINITIONS

Unless otherwise defined herein, terms used in these requests shall have the meaning given to those terms in: Section 502 of the Clean Water Act, 33 U.S.C. § 1362, the regulations promulgated thereunder at 40 C.F.R. § 403.3, the Kankakee River Metropolitan Agency (KRMA) NPDES Permit No. IL0021784 issued June 24, 2004, and any renewals, amendments, or modifications thereof. Whenever the terms set forth below are used in the following requests, the following definitions shall apply:

1. "Act" shall mean the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
2. "Any," "all," "each," and "every" means each and every.
3. "Control authority" means the POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of 40 C.F.R. § 403.11, or the EPA if the Submission has not been approved
4. "CWA" means the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
5. "Document" means any writing of any kind, including the originals and all non-identical copies (whether different from the originals by reason of any notation made on such copies or otherwise) of correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, statements, summaries, pamphlets, books, interoffice and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications), bulletins, printed matter, computer printouts, teletypes, telefax, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, or electric records or representations of any kind (including, without limitation, electronic documents, tapes, cassettes, discs, and recordings), all electronically stored information (ESI), and all drafts, alterations, modifications, changes and amendments of any of the foregoing.

6. "EPA" or "U.S. Environmental Protection Agency" shall mean the United States Environmental Protection Agency and any successor departments, agencies or instrumentalities of the United States.
7. "Identify" when used with respect to a fact or facts includes, in addition to the recitation of such specific fact or facts, (1) the identification of all documents which substantiate the fact or from which the fact(s) is drawn; and (2) the identification of any oral communication(s) upon which your knowledge of the fact(s) is founded or which supports the fact(s), including identifying between or among whom the oral communication(s) occurred, when such communication(s) occurred, and the substance of the communication(s).
8. "Including" means including, but not limited to.
9. "Indirect Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.
10. "Industrial User" (IU) means a source of Indirect Discharge.
11. "KRMA" shall mean the Kankakee River Metropolitan Agency.
12. "NPDES permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Illinois Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309.
13. "The Permit" means the National Pollutant Discharge Elimination System (NPDES) Permit No. IL0021784, issued June 24, 2004 by Illinois Environmental Protection Agency (IEPA) and effective from August 1, 2004 to July 31, 2009, including any renewals, amendments, or modifications to such permit.
14. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 C.F.R. § 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 C.F.R. § 403.6(e).
15. "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined

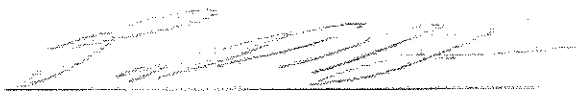
in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. "KRMA POTW" shall mean the publicly owned treatment works owned and operated by KRMA and located at 1600 West Brookmont Blvd., Kankakee, Illinois.

16. "Refer to," "referring to," or "refers to" means mentioning, discussing, making reference to or relating to in any way.
17. "Relate to," "relating to," or "relates to" means constituting, defining, concerning, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

REQUESTS FOR INFORMATION

1. Provide a copy of KRMA's legal instrument (e.g., charter, articles of incorporation, etc.) as a wastewater authority or agency including any organizational or foundational legal documents. Please include a copy of any statutes, ordinances, regulations, agreements, or other authorities relied upon by you in the administration of KRMA as a POTW and include a brief description of KRMA's management structure.
2. As required under 40 C.F.R. § 403.8(f)(1) and discussed at NPDES Permit IL0021784, Special Condition #9(a)(6), provide copies of all intergovernmental agreements or annexation or similar documents with all satellites that contribute to the KRMA POTW showing legal authority to conduct pretreatment activities and enforcement. Be sure to include agreements with the following entities: Bourbonnais, Bradley, Manteno, Aroma Park, and Kankakee.
3. Pursuant to KRMA's August 24, 2015 correspondence to EPA, further explain and provide documentation for KRMA's authority over the IUs in the Diversatech Park in Manteno, as well as any other users from Manteno, pursuant to 40 C.F.R. § 403.8(f)(1).
4. Pursuant to KRMA's August 24, 2015 correspondence to EPA, provide the following:
 - a) KRMA's sampling results for total cyanide for Laraway Recycling and Disposal following KRMA's resumed practice of independently sampling and analyzing Laraway's discharge to the KRMA POTW.
 - b) A copy or copies of KRMA's Enforcement Response Plan(s) (ERP(s)) as applicable to all tributary satellites to the KRMA POTW. To the extent that different ERPs cover different satellites, please include each ERP. Please include all versions of the ERP(s) since 2012.
 - c) Copies of all IU Permits (or other applicable authorizations to discharge) revised pursuant to the Inspection Report and as discussed in your August 24, 2015 response. In particular, your revisions should show the following. If the permits do not contain such revisions, explain why not.
 - 1) Use of explicit sampling locations,
 - 2) Use of approved applicable local limits,
 - 3) Additional language stating who (the IU or KRMA as the Control Authority) is responsible for resampling if the initial sample indicates a violation has occurred,
 - 4) Requiring the submittal of semi-annual reports due in June and December every year for all Categorical Industrial Users,
 - 5) Requiring grab samples for volatile organic compounds,

- 6) Requiring use of 24-hour composite sampling through flow-proportional composite sampling techniques for hexavalent chromium,
 - 7) Explicitly requiring bypass notification,
 - 8) Use of the appropriate and complete statement of non-transferability that conforms to the requirement in 40 C.F.R. § 403.8 (f)(1)(iii)(B)(2),
 - 9) Removal of mass-based limits and use of concentration-based local limits as approved by the EPA. Please also include documentation that such local limits have been approved by the EPA.
- d) A copy of CSL Behring's revised IU permit showing the corrected effluent limitation citing 40 C.F.R. Part 439 Subpart B (not 40 C.F.R. Parts 439 B & D) and the use of the combined waste stream formula, under 40 C.F.R. § 403.6(e).
 - e) A copy of Valspar's revised IU permit showing the correction to first page of the permit which should state that Valspar is subject to 40 C.F.R. 403 and 414 only (not 40 C.F.R. Part 416 and corrected mass limitations).
 - f) Evidence that KRMA has been maintaining documentation in the IU files to track the IUs that use alternative sampling techniques (e.g., CSL Behring, Del Monte, W.W. Henry, Kankakee Tank Wash, and Armstrong; see page 6 of KRMA's August 24, 2015 response).
 - g) Copies of the Chain of Custody forms that specify the type of container used for the samples and the temperature of the samples (e.g., less than six degrees Celsius as applicable per pollutant collected).
 - h) Documentation that KRMA has conducted random sampling and analysis under 40 C.F.R. § 403.8(f)(1)(v) of effluent discharges from IUs and that these analyses are independent of information supplied to KRMA by the IUs. In particular, please provide evidence of any sampling activities for CSL Behring, Laraway, and Crown Beverage.
 - i) Documentation that all IUs (including but not limited to Millipore, Crown Beverage, Del Monte, and W.W. Henry) have been evaluated to determine their need for a slug control program.
 - j) Documentation relating to any violations within the pretreatment program by Kankakee Tank Wash (KTW) since August 2015 and your response to such violations.
5. KRMA's NPDES draft permit was public noticed ending September 28, 2011. Has this permit been reissued to date? Please provide a copy of the permit if reissued.
 6. Has KRMA submitted a proposal to incorporate necessary revisions into its program including revisions required by the Pretreatment Streamlining Rule, 70 Fed. Reg. 60134 (November 14, 2005)? Provide all relevant documentation to support your responses to this request.
 7. Unless otherwise provided above, provide copies of all modifications or updates to KRMA's industrial pretreatment program, modifications or updates to KRMA's (or, as appropriate its satellite's) Sewer Use Ordinance(s) (SUO), and all revised IU permits issued by KRMA since 2015. Please also include copies of or citations to KRMA's currently applicable SUO.



Patrick F. Kuefler

Branch Chief

Water Enforcement and Compliance Assurance Branch

Water Division

EPA, Region 5

2/3/18
Date

